

OILS AND FATS

7876. Adulteration and misbranding of oil. U. S. v. Catania Importing Co., Inc., and Domenic A. Previte. Plea of not guilty. Trial before court and jury. Verdict of guilty. Fine of \$1,000 imposed upon the corporation; individual fined \$1,000 and sentenced to 3 months' imprisonment. (F. D. C. No. 14214. Sample Nos. 49652-F, 52216-F.)

INFORMATION FILED: December 27, 1944, District of Massachusetts, against the Catania Importing Co., Inc., Boston, Mass., and Domenic A. Previte, treasurer and manager of the corporation.

ALLEGED SHIPMENT: On or about January 10 and 28, and February 15, 1944, from the State of Massachusetts into the States of New York, Maine, and Rhode Island.

LABEL, IN PART: "La-Spagnola Brand Oil 85% Choice Cottonseed Salad Oil, 15% Virgin Olive Oil Vegetable Color Added."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), a substance consisting essentially of cottonseed oil and containing little or no olive oil had been substituted for a mixture consisting of 85 percent choice cottonseed salad oil and 15 percent virgin olive oil, which the product was represented to be; and, Section 402 (b) (1), a valuable constituent, olive oil, had been in whole or in part omitted from the product.

Misbranding, Section 403 (a), the label statement "85% Choice Cottonseed Salad Oil, 15% Virgin Olive Oil," was false and misleading.

DISPOSITION: May 15, 1945. Pleas of not guilty having been entered on behalf of the defendants, the case came on for trial before a jury. After the taking of testimony had been concluded, the jury, after due deliberation, returned a verdict of guilty, and the court imposed a fine of \$1,000 upon the corporation and a fine of \$1,000 and a jail sentence of 3 months upon the individual defendant.

7877. Adulteration and misbranding of olive oil. U. S. v. Pasquale L. Cerosuolo (Patsy Cerosuolo or Patsy Cherry). Plea of guilty. Sentence suspended and defendant placed on probation for 6 months. (F. D. C. No. 9660. Sample Nos. 17416-F, 17417-F.)

INFORMATION FILED: February 23, 1944, Southern District of New York, against Pasquale L. Cerosuolo, also known as Patsy Cerosuolo and Patsy Cherry, New York, N. Y.

ALLEGED SHIPMENT: On or about October 17, 1942, from the State of New York into the State of Connecticut.

LABEL, IN PART: "Roberta Brand Pure Olive Oil Imported From Lucca Toscana Italy," or "Puglia Brand Superfine Pure Olive Oil Imported From Lucca-Italy."

VIOLATIONS CHARGED: Adulteration, Section 402 (b) (2), an oil other than olive oil had been substituted in whole or in part for olive oil, which the article was represented to be; Section 402 (b) (3), inferiority had been concealed by the addition of artificial flavor and color; and, Section 402 (b) (4), artificial flavor and color had been added to the article or had been mixed or packed with it so as to make it appear better or of greater value than it was.

Misbranding, Section 403 (a), the statements on the label of a portion of the product, (in English and Italian) "Pure Olive Oil Imported From Lucca Toscana Italy," and (in English, Italian, German, French, and Spanish) "This Olive Oil is Guaranteed to be absolutely pure under chemical analysis," and the designs of olive branches and gold medals on the label, and the statements on the label of the remainder of the product, "Imported Pure Olive Oil," and "Superfine Pure Olive Oil Imported From Lucca Italy * * * [English and Italian] This olive oil is guaranteed to be absolutely pure under any chemical analysis Recommended for table use and medicinal purposes," and the designs of olive branches on the label, were false and misleading since they represented and suggested that the article consisted of pure olive oil imported from Italy, whereas it consisted of an artificially colored and artificially flavored imitation olive oil that had not been imported from Italy; Section 403 (b), the product was offered for sale under the name of another food, olive oil; Section 403 (c), it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated; Section 403 (e) (1), it failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; Section 403 (f), the words, statements, or other information required by or under authority of the law to appear on the label were not